

**United States District Court
for the
Southern District of Georgia
Brunswick Division**

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.
2006 APR -7 AM 9:51

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

CLERK C Reynolds
SO. DIST. OF GA.

Name of Offender: **Brian Wheeler**

Case Number: CR201-00019-002

Name of Sentencing Judicial Officer: Honorable Dudley H. Bowen, Jr.
United States District Judge

Date of Original Sentence: February 5, 2002

Original Offense: Commercial Business Robbery

Original Sentence: 44 months custody of the Bureau of Prisons, 3 years supervised release,
restitution joint and several in the amount \$28,856.19

Type of Supervision: Supervised Release

Date Supervision Commenced: March 11, 2005

Assistant U.S. Attorney: Jeffrey J. Buerstatte

Defense Attorney: Linell A. Bailey (Retained)

PETITIONING THE COURT

- [] To extend the term of supervision for years, for a total term of years.
 To modify the conditions of supervision as follows:

1. The defendant shall perform fifty hours of community service as directed by the Court.
2. Beginning April 1, 2006, the defendant shall pay restitution at a rate of \$200 per month until such time as the Court may alter the payment schedule in the interest of justice. The U.S. Probation Office and the U.S. Attorney's Office shall monitor the payment of restitution and report to the Court any material change in the defendant's ability to pay.

CAUSE

On August 17, 2005, the Court modified the conditions of supervised release to include restitution payments in the amount of \$60 per month. Wheeler made a payment of \$60 on July 18, 2005, and failed to make any additional payments through January 2006. He was verbally reprimanded for his failure to pay. The offender did submit a receipt reflecting a payment of \$420 on January 31, 2006, bringing him current. A financial investigation conducted on March 13, 2006, revealed Wheeler has a positive net monthly cash flow of \$200 after expenses and a ten percent savings allowance.

Prob 12B

Request for Modifying the Conditions or Term of Supervision

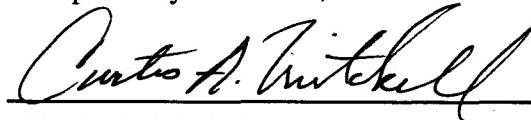
Re: Brian Wheeler

Case Number: CR201-00019-002

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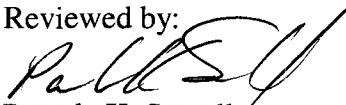
Respectfully submitted,

by



Curtis A. Mitchell
Drug and Alcohol Treatment Specialist
Date: March 29, 2006

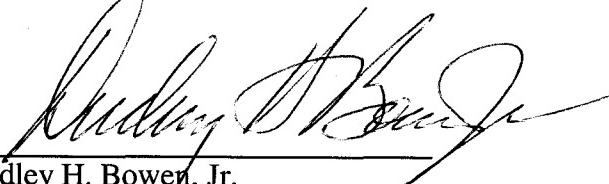
Reviewed by:



Pamela K. Sowell
Supervisory U. S. Probation Officer

THE COURT ORDERS:

- No Action
- The Extension of Supervision as Noted Above
- The Modification of Conditions as Noted Above
- Other



Dudley H. Bowen, Jr.
United States District Judge

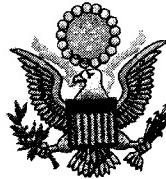
April 7, 2006
Date

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
PROBATION OFFICE

RICHARD A. LONG
CHIEF PROBATION OFFICER

P. O. BOX 8165
SAVANNAH 31412

PHONE: 912-650-4150
FAX: 912-650-4148



AUGUSTA 30903
P. O. BOX 760
PHONE: 706-849-4450
FAX: 706-849-4449

BRUNSWICK 31521
P. O. BOX 878
PHONE: 912-280-1350
FAX: 912-280-1349

STATESBORO 30459
P. O. BOX 1179
PHONE: 912-764-8876
FAX: 912-764-6046

MEMORANDUM

DATE: March 29, 2006

TO: Honorable Dudley H. Bowen, Jr.
United States District Judge

FROM: Curtis A. Mitchell
Drug and Alcohol Treatment Specialist

SUBJECT: Brian Wheeler
Brunswick Division
Dkt.# CR201-00019-002
Represented by: Linell A. Bailey
Modification of Supervised Release

On March 22, 2006, our office received written correspondence from Yamilee Sanchez, United States Probation Officer, Southern District of Florida, on the above captioned offender. USPO Sanchez reported she recently conducted a financial investigation and determined Wheeler could pay \$200.00 per month toward his restitution obligation. The offender signed a Waiver of Hearing to Modify Conditions and a Financial Obligation agreement establishing the fine payment at \$200 per month commencing April 1, 2006, and every month thereafter. The waiver also includes fifty hours of community service due to five months of non-payment of his financial obligation.

Attached to the memorandum is Probation Form 12B, Probation Form 49, and the original correspondence from USPO Sanchez.

If the Court has any questions or needs additional information, a response will be provided immediately.

CAM/ke

Pamela K. Sowell

Supervisory U.S. Probation Officer